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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/236,339 01/25/99 KASHIWABA

S 865.4327

EXAMINER

005514 MMC2/0228  
FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK NY 10112

NGUYEN, T  
ART UNIT  PAPER NUMBER

2872  
DATE MAILED:

02/28/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/236,339	KASHIWABA ET AL.
Examiner	Art Unit	
Thong Q Nguyen	2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 November 2000.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

- 15) Notice of References Cited (PTO-892)
- 16) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 19) Notice of Informal Patent Application (PTO-152)
- 20) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as described at pages 2-5 and shown in fig. 1 of the present application in view of Tsai (U.S. Patent No. 5,700,103 of record) and Schael (U.S. Patent No. 4,105,282).

The prior art as described at pages 2-5 and shown in fig. 1 of the present application discloses an optical apparatus having an apparatus body and an optical-element holding mechanism. The optical apparatus as described comprises a first lens group (5), a second lens tube (6) and coupling member (9) for coupling the second lens group (7) against the first lens group (5). It is noted that the coupling system for coupling the second lens group against the first lens group of the prior art does not have a washer disposed between the screw and the second lens tube for urging and pressing the second lens tube against the first lens tube, and a deformable restricting and friction preventive member for restricting and preventing friction force between the screw and the second lens tube. However, the use of a coupling means having a plurality of screws and washers and a plate for coupling two elements together is known to one skilled in the art as can be seen in the coupling system provided by Tsai. See columns 2-3 and figs. 3-5. In particular, Tsai discloses the use of a coupling means having a plurality of screws (30) washers (31) and plates (10) for coupling element (B) to another element (C). The elements (B, C) are elements which are used in an optical device (see

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column 3 and fig. 7). It is also noted that the use of a coupling means having screws, washers and plates as described by Tsai at columns 1 and 3 also provides the advantage of compensation of the non-uniformity of the height of one element such as the element (B) and for adjustment the distance between the two elements. Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify the coupling system as provided in the prior art described in the present specification by using a coupling system having screws, washers and supporting plates as suggested by Tsai for the purpose of preventing friction force to the second lens tube, preventing the deformation of the connecting portions between the first and second lens tubes while still providing a coupling process of the two lens tubes.

While both the prior art and Tsai do not clearly state that the screws are operated for the purpose of adjusting the optical axes of the lens barrels; however, such a feature is considered as an inherent feature of the prior art and the device of Tsai because it is clear to one skilled in the art to loose at least one screw and then adjust at least one lens barrel for alignment with the other lens barrel and then tighten the screw again so that both optical axes of the lens barrels are in alignment to each other. It is also noted that the use of a coupling means having screws, washers and deformable elements for coupling two components wherein operations on the screws will result in an adjustment/alignment of the optical axis of a lens barrel supporting the lens element with the other element is disclosed in the optical device having a coupling means provided by Schael. See columns 10-11. Thus, it would have been obvious to one skilled in the art to utilize the suggestion, i.e., operating the screws for alignment

between two elements, in the combined product for the purpose of coupling two optical lens barrels and for alignment the optical axes of the two lens barrels.

**Conclusion**

1. The U.S. Patent No. 5,652,922 is cited as of interest in that it discloses a coupling mechanism comprises screws, washers and a deformable plate for coupling two elements together.
2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong Q Nguyen whose telephone number is 703 308 4814. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cassandra Spyrou can be reached on 703 308 1687. The fax phone numbers for the organization where this application or proceeding is assigned are 703 308 7724 for regular communications and 703 308 7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0956.



Thong Q. Nguyen  
Primary Examiner  
Art Unit 2872

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February 23, 2001